



FLORENCE CITY COUNCIL

MINUTES – REGULAR MEETING

TUESDAY, MAY 22, 2007

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, May 22, 2007 at 7:00 p.m. in the Florence Government Center with Mayor Diane E. Whalen presiding in the Chair.

CALL TO ORDER, WELCOME, & ROLL CALL:

Mayor Whalen called the regular meeting to order and declared the Regular Session to be open for the presentation of all City business.

The roll was called and the following six (6) members of Council registered present: Mel Carroll, Dale Stephens, David A. Osborne, Vice Mayor Dr. Julie Metzger Aubuchon, and Betsy Conrad. Absent was Ted Bushelman.

Also present were Mayor Diane E. Whalen, City Attorney Hugh O. Skees, Assistant City Coordinator/Community Development Director Rick Lunnemann, Finance Director Linda J. Chapman, Fire/EMS Chief Marc Muench, Human Resources Director Todd Woodhouse, Information Technology Director Colin Campbell, Police Chief Tom Szurlinski, Public Services Director Bob Townsend, City Engineer Bill Viox, Administrative Assistant Donna Smith, Police Officer Sean McKibben, Fire Marshal Bob Krebs, Liberty (Florence Freedom Mascot), Kevin Schwab (Florence Freedom Group Sales Manager), Ashley Thompson (Florence Freedom Manager of Broadcasting and Media Relations), Paul Darpel, Loyd Fleming (7746 Ravenswood Drive), Greg Hamilton (7751 Ravenswood Drive), Diane Jones (7750 Ravenswood Drive), Bill Kerl (7757 Ravenswood Drive), Scott Walker (7765 Ravenswood Drive), Larry Braden (44 Kathryn Avenue), Linda Holbrook (44 Kathryn Avenue), Videographer Jerry Schrepfer, Kentucky Enquirer Reporter Brenna Kelly, Florence Recorder Reporter Adam Rosing, and City Clerk Joe Christofield.

RECOGNITION:

Mayor Whalen introduced Police Chief Tom Szurlinski who recognized Police Officer Sean McKibben regarding his military service. Additional discussion followed.

PROCLAMATION:

Mayor Whalen read a proclamation declaring May 20, 2007 as Emergency Medical Services (EMS) Week in the City of Florence.

FLORENCE FREEDOM:

Mayor Whalen recognized Liberty (Florence Freedom Mascot), Kevin Schwab (Florence Freedom Group Sales Manager), and Ashley Thompson (Florence Freedom Manager of Broadcasting and Media Relations) regarding the upcoming baseball season. Additional discussion followed.

SECOND READING:

Mayor Whalen presented the following Ordinance for second reading:

ORDINANCE NO. O-8-07:

AN ORDINANCE AMENDING ORDINANCE NO. O-28-96 RELATING TO FLOOD DAMAGE PREVENTION.

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Mayor Whalen read the following summary of the Ordinance: *This Ordinance amends Ordinance No. O-28-96 in order to identify and regulate development of special flood hazard areas; establish reasonable and uniform regulations to protect against flood damage within these special flood hazard areas; establish an Appeal Board to hear and decide variance requests with regard to new development; and amend the penalties for violation of this Ordinance.*

Pursuant to KRS 83A.060(9)(c) the full text of each section of the Ordinance which imposes fines, penalties, forfeitures, taxes or fees is as follows:

SECTION H. ENFORCEMENT, VIOLATION, NOTICE AND PENALTIES

(4) Penalties: Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$100.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the taking of such other lawful actions as is necessary to prevent or remedy any violation.

Councilmember Conrad moved, with second from Vice Mayor Metzger Aubuchon, that Ordinance No. O-8-07 be approved on second reading and be published in accordance with the law. **Council approved by unanimous vote.**

FIRST READINGS:

ORDINANCE NO. O-9-07:

AN ORDINANCE AMENDING ORDINANCE NO. O-14-05 TO ADOPT THE NFPA UNIFORM FIRE CODE OF 2006 AND AMENDING ORDINANCE NO. O-389-58 TO CLARIFY THE OPEN BURNING PROVISIONS CONTAINED THEREIN.

ORDINANCE NO. O-10-07:

AN ORDINANCE AMENDING ORDINANCE NO. O-15-05 TO ADOPT THE NFPA 101 LIFE SAFETY CODE, 2006.

Mayor Whalen advised the first readings of Ordinances O-9-07 and O-10-07 would take place during the next business meeting of City Council (scheduled for Tuesday, June 12, 2007).

Mayor Whalen presented the following Ordinance for first reading:

ORDINANCE NO. O-11-07:

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 9.71 ACRE SITE LOCATED ON THE SOUTH/WEST SIDE OF WEAVER ROAD ACROSS FROM SADDLEBROOK LANE, ON THE SOUTH AND EAST SIDES OF EVERGREEN DRIVE, TO THE NORTHWEST OF THE PROPERTY AT 957 WEAVER ROAD, TO THE NORTH AND EAST OF THE PROPERTY AT 8912 EVERGREEN DRIVE, AND TO THE EAST OF THE PROPERTIES AT 8930 AND 8940 EVERGREEN DRIVE, BOONE COUNTY, KENTUCKY, TO ALLOW COMMERCIAL, RETAIL AND OFFICE USES. (NOLL PROPERTIES/BANKLICK CORPORATION PROPERTY)

Mayor Whalen read the following summary of the Ordinance: *The effect of this Ordinance is to allow commercial, retail and office uses in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 9.71 acre site located on the south/west side of Weaver Road across from Saddlebrook Lane, on the south and east sides of Evergreen Drive, to the northwest of the property at 957 Weaver Road, to the north and east of the property at 8912 Evergreen Drive, and to the east of the properties at 8930 and 8940 Evergreen Drive, Boone County, Kentucky, in conjunction with proposed annexation of the 9.71 acres into the City of Florence, Kentucky.*

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Councilmember Osborne moved, with second from Councilmember Stephens, that Ordinance No. O-11-07 be approved on first reading and be held for second and final reading at the next meeting of Council. **Council approved by unanimous vote.**

MUNICIPAL ORDERS:

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-14-07:

A MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF JEROME WAGONER TO THE CITY OF FLORENCE CODE ENFORCEMENT BOARD FOR A THREE (3) YEAR TERM.

Councilmember Conrad moved, with second from Councilmember Stephens, that Municipal Order MO-14-07 be approved as reviewed. **Council approved by unanimous vote.**

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-15-07:

A MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF DAVID SPILLE TO THE CITY OF FLORENCE CODE ENFORCEMENT BOARD FOR A THREE (3) YEAR TERM.

Vice Mayor Metzger Aubuchon moved, with second from Councilmember Conrad, that Municipal Order MO-15-07 be approved as reviewed. **Council approved by unanimous vote.**

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-16-07:

A MUNICIPAL ORDER APPROVING THE APPOINTMENT OF THE CITY'S MEMBER AND ALTERNATE REPRESENTATIVE TO THE INTERMODAL COORDINATING COMMITTEE OF THE OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENT.

Councilmember Osborne moved, with second from Vice Mayor Metzger Aubuchon, that Municipal Order MO-16-07 be approved as reviewed. **Council approved by unanimous vote.**

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-17-07:

A MUNICIPAL ORDER AUTHORIZING AND DIRECTING DIANE E. WHALEN AS MAYOR TO EXECUTE ON BEHALF OF THE CITY OF FLORENCE, KENTUCKY A RELEASE OF WATER MAIN EASEMENT SHOWN ON CERTAIN PROPERTY LOCATED IN HOUSTON LAKES RESUBDIVISION FOR THE REMAINDER OF LOT 10-C, THIS PROPERTY BEING LOCATED IN THE CITY OF FLORENCE, KENTUCKY.

Councilmember Carroll moved, with second from Councilmember Conrad, that Municipal Order MO-17-07 be approved as reviewed. **Council approved by unanimous vote.**

MAYOR'S REPORT:

Mayor Whalen advised of the Public Services Night Out held earlier today from 4-7 p.m. at the Home Depot on Spiral Boulevard.

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Mayor Whalen advised of the City's annual Memorial Day Parade & Program, scheduled for Monday, May 28 beginning with a parade at 10 a.m. (Boone County High School) and program at 11 a.m. (Boone County Veterans Memorial).

Mayor Whalen advised the Florence Family Aquatic Center would be open for the season on Saturday, May 26 at 11 a.m. on the campus of the Florence Government Center.

Mayor Whalen advised of the retirement luncheon for Police Department Administrative Secretary Joan Carson and Public Services Maintenance Worker Billy Mitchell, scheduled for Wednesday, May 30 at 11 a.m. in Community Rooms B & C of the Florence Government Center.

On behalf of the City, Mayor Whalen offered condolences to the family and friends of R.C. Durr, who passed away yesterday evening.

On behalf of the City, Mayor Whalen offered congratulations to City Coordinator Pat Wingo on the birth of her first grandchild, born on Monday, May 21.

Mayor Whalen advised of the Certificate of Achievement for Excellence in Financial Reporting for the City's Comprehensive Annual Financial Report for fiscal year ending June 30, 2006 (3rd consecutive year).

CITY COORDINATOR'S REPORT:

There was no report given by City Coordinator Pat Wingo.

OTHER:

Mayor Whalen asked if any Councilmember desired recognition; Vice Mayor Metzger Aubuchon asked for an update regarding the Florence Y'all Festival for the next City Council meeting.

Mayor Whalen asked if any department head desired recognition; Fire/EMS Chief Marc Muench advised the City recently sold the Department's 1983 Engine to a collector from Pennsylvania (net of \$10,000).

Police Chief Tom Szurlinski advised of a conference panel involving the Northern Kentucky University Rotaract Club, scheduled for Wednesday, May 23 at 3 p.m. at NKU (to begin a discussion on the aftermath of the Virginia Tech Massacre).

Mayor Whalen asked if anyone in the audience desired recognition; Scott Walker of 7765 Ravenswood Drive, Diane Jones of 7750 Ravenswood Drive, Bill Kerl of 7757 Ravenswood Drive, Greg Hamilton of 7751 Ravenswood Drive, and Loyd Fleming of 7746 Ravenswood Drive each addressed City Council regarding their neighbors located at 7761 Ravenswood Drive. Additional discussion followed.

EXECUTIVE SESSION:

Mayor Whalen called for a motion to go into **Executive Session** pursuant to K.R.S. 61.810 (1)(f) Appointment, discipline, or dismissal of personnel. Councilmember Carroll so moved, with second from Vice Mayor Metzger Aubuchon and **unanimous approval of Council**, the time being 8:02 p.m.

Mayor Whalen called for a motion to come back into session after the **Executive Session** pursuant to K.R.S. 61.810 (1)(f) Appointment, discipline, or dismissal of personnel. Councilmember Carroll so moved, with second from Vice Mayor Metzger Aubuchon and **unanimous approval of Council**, the time being 8:46 p.m.

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ADJOURNMENT:

There being no further business to come before the Council, Mayor Whalen called for a motion to adjourn. Councilmember Osborne so moved, with second from Councilmember Stephens, and **unanimous approval of Council**, the time being 8:47 p.m.

APPROVED:

Diane E. Whalen, Mayor

ATTEST:

Joseph A. Christofield, City Clerk

